

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

SOUTHERN DIVISION

S.A. AND L.A., BY THEIR NEXT)	Case No. 4:23-cv-04139-KES
FRIEND ANGIE ALLEN; H.B., BY HER)	
NEXT FRIEND JULIE BEANER; Ad.S.)	
AND A.I.S., BY THEIR NEXT FRIENDS)	
BRYAN SCHAVE AND BRANDI)	
SCHAVE; S.D., BY HER NEXT FRIENDS)	
JENNIFER DEGROOT AND PHILIP)	
DEGROOT; A.L., BY HER NEXT)	
FRIEND NATHAN LEUNING; M.B., BY)	
HER NEXT FRIEND JOSEPH)	
BILDERBACK; M.D., BY HER NEXT)	
FRIEND DAVID DENSON; M.W., BY)	
HER NEXT FRIENDS EUGENE WARE)	
AND MARSHA WARE; K.A., BY HER)	
NEXT FRIEND CATHY ANDERSON, and)	PLAINTIFFS' MOTION FOR
R.T., BY HER NEXT FRIENDS LUKE)	TEMPORARY RESTRAINING
AND BOBBIE TIBBETTS)	ORDER AND PRELIMINARY
)	INJUNCTION
Plaintiffs,)	
)	
v.)	
)	
SIOUX FALLS SCHOOL DISTRICT 49-5;)	
DR. JANE STAVEM, in her official)	
capacity as Superintendent of the Sioux)	
Falls School District 49-5, and CASEY)	
MEILE, in his official capacity as)	
Coordinator of Athletics for the Sioux Falls)	
School District No. 49-5)	
)	
Defendants.)	

Pursuant to Federal Rule 65(b) of Civil Procedure, Plaintiffs move for a temporary restraining order restraining the Sioux Falls School District (the "District") from selling or taking any action to transfer ownership of gymnastics equipment that was used as part of the

gymnastics program that the District has proposed to eliminate as part of its 2023-2024 budget. Plaintiffs further seek a preliminary injunction enjoining the District from eliminating the girls' gymnastics program, on the grounds that the proposed elimination violates Title IX and its implementing regulations and violates Plaintiffs' right to equal protection under the law.

The Motion is supported by Brief in Support of Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction, together with the Affidavit of Alex Hagen and the exhibits attached thereto.

This Motion, together with the Brief and supporting materials, is being contemporaneously served on counsel for the Sioux Falls School District, Mr. Reece Almond, with whom the undersigned counsel has had previous discussions about the underlying lawsuit.

Date: September 12, 2023.

CADWELL SANFORD DEIBERT & GARRY LLP

By /s/ Alex M. Hagen
Alex M. Hagen
Claire Wilka
200 East 10th St., Suite 200
Sioux Falls SD 57104
ahagen@cadlaw.com
cwilka@cadlaw.com
(605) 336-0828
Attorneys for Plaintiffs
Electronically Filed